REMARKS

Claims 1-55 were pending. Claims 5-7, 10, 11, 15, 18, 19, 23, 26, 27, 31, 34, 35, 39, 42, 43, and 48-55 were withdrawn by the Examiner. Claims 5 and 48-55 are herein cancelled. Claims 1-4, 6, 12, 13, 20, 21, 28, 29, 36, 37, 40 and 44- 46 are herein amended. Thus, after entry of the following amendments claims 1-4, and 6-47 are pending. The amendments find support in the specification and claims as originally filed are discussed in the relevant sections below. No new matter is added.

Election of Restriction

Claims 5-7, 10, 11, 15, 18, 19, 23, 26, 27, 31, 34, 35, 39, 42, 43, and 48-55 were withdrawn from consideration. Applicants respectfully traverse the withdrawal of claims 5-7, 15, 23, 31, 39 and 47.

On June 9, 2004 Applicants elected Group I claims 5-47 drawn to methods of administering an immunotheraputic agent which is a *protein* and a tumor growth-restricting agent. On January 20, 2005 Applicants made a species election to the tumor growth-restricting agent, that species being *analogs of XAA*. Applicants assert that claims 5-7, 15, 23, 31, 39 and 47 fall within both elections.

Applicants assert that claims 5-7 were improperly withdrawn from consideration. Claims 5-7 are directed to the Group I subject matter; that is a method of administering an immunotherapeutic agent which is a *protein* and a tumor growth-restricting agent. Claim 5 is dependent on claims 1-4 and further requires that the immunotherapeutic agent is a *T-cell co-stimulatory cell adhesion molecule (CAM)*. Dependent claims 6 and 7 further require that the CAM molecule is selected from the group of B7.1, B7.2 and a xenogenic (human) form of an integrin ligand or a combination thereof. Claim 5 and dependent claims 6 and 7 encompass CAM *proteins*.

Applicants' representative Jeffrey L. Kopacz telephoned Examiner Yao on September 22 asserting that claims 5-7 were withdrawn in error. It is Applicants' understanding the Examiner Yao mistakenly construed claims 5-7 to be drawn strictly *to nucleic acid* immunotherapeutic

agents. Although claims 5-7 encompass mammalian expression vectors containing DNA which encodes a CAM molecule, the claims also encompass CAM proteins. Thus, applicants assets that claims 5-7 were erroneously withdrawn from consideration. Applicants note that claim 5 is herein cancelled. However, claims 1-4 are herein amended to recite the claim 5 limitation requiring that the immunotherapeutic agent is a *T-cell co-stimulatory cell adhesion molecule (CAM)*. Applicants respectfully request that claims 5-7 be rejoined.

Applicants also assert that claims 15, 23, 31, 39 and 47 were erroneously withdrawn form consideration. Claims 15, 23, 31, 39 and 47 are directed to the subject matter of the Group I invention and encompassed by the tumor growth restricting agent species election, analogs of XAA. Claims 15, 23, 31, 39 and 47 are dependent on method claims 1, 2, 3, 4 and 6 respectively, but further require the administration of a *second* tumor growth restricting agent, wherein the agent includes an expression vector encoding an anti-sense version of HIF-1. Although HIF is not an analog of XAA the search conducted for the Group I elected invention and the XAA species election would have identified any art relevant to dependent claims 15, 23, 31, 39 and 47. Furthermore, the species election was with respect to the *first* tumor growth restricting agent recited in claims 1-4 and not the *second* tumor growth restricting agent recited in dependent claims 15, 23, 31, 39 and 47. Applicants respectfully request that claims 5-7, 15, 23, 31, 39 and 47 be rejoined.

Rejection under 35 U.S.C. §102

The Examiner rejected claims 1-4, 8-9, 12-14, 16, 17, 20-22, 24, 25, 28-30, 32-33, 36-38, 40, 41 and 44-46 under 35 U.S. C. §102(b) as anticipated by Pedley et al. Applicants respectfully disagree with the examiner. However, in the interest of expediting prosecutions the applicants herein amend independent claims 1-4 and all claims dependent thereof to further require that the immunotherapeutic agent is a "T-cell co-stimulatory cell adhesion molecule (CAM)." Dependent claims 6-7, further require that CAM is B7.1, B7.2 or a xenogenic (human) form of an integrin ligand or a combination thereof. Support for this limitation is found throughout the specification and clams as originally filed, particularly original claim 5 which is herein cancelled.

Claims 1 and 2 and dependents thereof are now directed to a method of treating a mammal or patient with advanced or large tumors burdens by the administration of a CAM and a tumor restricting agent. Claims 3 and dependents thereof are directed to methods of potentiating the activity of a CAM against tumors comprising the administration of a CAM and an immunotherapeutic agent. Claim 4 and dependents thereof are directed to methods of potentiating the activity of a tumor growth-restricting agent against tumors by the pre-administration of a CAM. Claims 6-7 are dependent on claims 1-4 and further require the CAM is B7.1, B7.2 or a xenogenic (human) form of an integrin ligand or a combination thereof.

Pedley et al. does not teach the method of any of these claims. That is Pedley et al. does not teach the administration of a CAM and a tumor growth restricting agent. Applicants respectfully request the 35 U.S.C. 102 (b) rejection of claims 1-4, 8-9, 12-14, 16, 17, 20-22, 24, 25, 28-30, 32-33, 36-38, 40, 41 and 44-46 be withdrawn.

Applicant submits that all claims are allowable as written and respectfully request early favorable action by the Examiner. If the Examiner believes that a telephone conversation with Applicant's attorney would expedite prosecution of this application, the Examiner is cordially invited to call the undersigned attorney/agent of record.

Respectfully submitted,

Date: October 4, 2005

Name: Kathleen M. Williams
Registration No.: 34,380
Customer No.: 29933
Palmer & Dodge LLP
111 Huntington Avenue
Boston, MA 02199-7613
Tel: 617-239-0100